



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 16, 1995

Ms. Ayesha G. Mutope-Johnson  
Burney & Foreman  
5445 Almeda, Suite 400  
Houston, Texas 77004

OR95-1253

Dear Ms. Mutope-Johnson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 30171.

The Harris County Fresh Water Supply District No. 1-A (the "district") received a request for the meter readings of the entire community during the months of June, July, and August of 1994. You have included a sample copy of a customer utility bill and meter reading. In your letter to this office, you have requested an opinion on whether any aspect of the "utility bill/meter reading" is disclosable under the Open Records Act.

Section 552.101 excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section incorporates specific statutes that make information confidential. Article 1446h of Vernon's Texas Civil Statutes prohibits a "government-operated utility" from disclosing "personal information" in a customer's account records if the customer requests that this information be kept confidential. V.T.C.S. art. 1446h, § 2. "Personal information" is defined as "an individual's address, telephone number, or social security number." *Id.* § 1(2).

In Open Records Decision No. 625 (1994), this office addressed the applicability of article 1446h to requested information on utility bills. In that opinion, we concluded that article 1446h does not authorize a government-operated utility to withhold information about a customer if that customer is a corporation, partnership, or other business association. Open Records Decision No. 625 (1994) at 3. Therefore, none of the requested information for corporations, partnerships, or other business associations may be withheld.

Section 5 of article 1446h sets out a list of persons who have a special right of access to this confidential information. You have not indicated whether the requestor falls within any of the categories listed in section 5. If the requestor does have a special right of access under section 5 of article 1446h, the district may not withhold the addresses and telephone numbers of individual utility customers.<sup>1</sup> Additionally, the district must release a utility customer's address and telephone number unless, prior to the receipt of this request, the customer asked that the information be kept confidential.<sup>2</sup> If the requestor is not one of the individuals with a special right of access under section 5 and the individual customer has made a request that this information be kept confidential, the district must not disclose this information to the requestor. The district may not withhold the remainder of the requested information under section 552.101 as there is a legitimate public interest in knowing amounts owed to governmental bodies. *See* Open Records Decision No. 443 (1986).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

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Ref.: ID# 30171

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<sup>1</sup>Federal law may prohibit disclosure of the customers' social security numbers. A social security number is excepted from required public disclosure under section 552.101 of the act in conjunction with the 1990 amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(viii)(I), if it was obtained or is maintained by a governmental body pursuant to any provision of law enacted on or after October 1, 1990. *See* Open Records Decision No. 622 (1994); *see also* 42 U.S.C. § 405 (c)(2)(C)(i), (v)-(vi) (governing release of social security number collected in connection with the administration of any general public assistance, driver's license or motor vehicle registration law). Based on the information you have provided, we are unable to determine whether the social security numbers are confidential under this federal statute. We note, however, that section 552.352 of the Open Records Act imposes criminal penalties for the release of confidential information.

<sup>2</sup>*See supra* n.1.

Enclosures: Submitted documents

cc: Ms. Brenda A. Delaslour  
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(w/o enclosures)